

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on November 1, 2011.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting October 18, 2011; bills and payroll for the last half of October, 2011.

Bills and Payroll for the last half of October, 2011

General Fund

Payroll		\$ 247,945.40
Bills		<u>\$ 59,919.17</u>
	Total	\$ 307,864.57

Hotel Tax Fund

Payroll		\$ 1,699.99
Bills		<u>\$ 6,556.80</u>
	Total	\$ 8,256.79

Festival Management Fund

Bills		<u>\$ 5,998.00</u>
	Total	\$ 5,998.00

Mobile Equipment Fund

Bills		<u>\$ 38,788.22</u>
	Total	\$ 38,788.22

Insurance & Tort Judgment

Bills		<u>\$ 40,106.68</u>
	Total	\$ 40,106.68

Midtown TIF Fund

Bills		<u>\$ 2,630.80</u>
	Total	\$ 2,630.80

Capital Project Fund

Bills		<u>\$ 351,287.91</u>
	Total	\$ 351,287.91

Broadway East Bus Dist

Bills		<u>\$ 229,156.25</u>
	Total	\$ 229,156.25

Water Fund

Payroll		\$ 28,247.65
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Bills		\$ 86,119.49
	Total	\$ 114,367.14
<u>Sewer Fund</u>		
Payroll		\$ 28,393.36
Bills		\$ 19,193.77
	Total	\$ 47,587.13
<u>Motor Fuel Tax Fund</u>		
Bills		\$ 6,304.41
	Total	\$ 6,304.41
<u>Health Insurance Fund</u>		
Bills		\$ 67,898.24
	Total	\$ 67,898.24

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

PRESENTATIONS, PETITIONS & COMMUNICATIONS

- Public comments/presentations and non-agenda items

DISCUSSION: Amending Chapter 114 of the Mattoon Code of Ordinances to regulate liquor.

Mayor Gover opened discussion on the proposed amendment to the liquor ordinance by noting the Council's receipt of comments from the public at the last two Council meetings and the Council's discussion would be held at this meeting. Mayor Gover called for general comments on the proposal from each Commissioner. Commissioner Becker elaborated his opinion as the City should not limit the number of licenses. Commissioner Ervin elaborated his opinion for retaining 17 Class A licenses or to open the number of Class A licenses, favoring no increase at the present time; for not-for-profit organizations a reasonable fee should be implemented; and special events permits should contain regulations on the hours of operation and frequency of events. Commissioner Hall elaborated on his opinion of nominal fee increases and slight increases in number of licenses but not unlimited licenses, and offering current owners who sell their establishments a reduced license fee to new owners. Commissioner Rankin provided his opinion for no change in the regulation of liquor licenses and would vote against any proposal, citing a huge strain on City resources.

Mayor Gover opened the floor for Council comments on number of Class A liquor licenses. Commissioner Becker's opinion was to leave the numbers the same or have open, unlimited licenses. Commissioner Ervin's opinion was to leave the number at 17. Commissioner Hall's opinion was to increase 10-20% or two or three additional licenses to reach 20-21 total. Commissioner Rankin's opinion was to leave the same, which would be no change to the current licenses.

Mayor Gover opened the floor for Council comments on the initial fee and no more than ten Class A liquor licenses in the downtown area. Commissioner Becker stated the 17 current licenses should have a discount on the initial fee, but new licenses should pay the full amount of the initial fee. If there were unlimited licenses, the full amount for the initial fee. Commissioner Ervin stated he was not in favor of increasing downtown bars and a reasonable fee would be in order. Commissioner Hall was not in favor of isolating bars geographically, so no limits downtown, and a ten percent increase across the board for fees with current owners at half the rate. Commissioner Rankin wanted the fees to be what it actually costs the City and believed the location should be in the zoning ordinance.

Mayor Gover opened the floor for Council comments on the packaged liquor proposal. Commissioner Rankin stated his position was the same on all businesses. Commissioner Hall stated he favored an increase of one. Commissioner Ervin stated he favored unlimited licenses for packaged liquor. Commissioner Becker stated he favored unlimited licenses.

Mayor Gover opened the floor for Council comments on alcohol consumption for hotel/bowling alley licenses. Commissioner Rankin stated since there were only currently two, the number should be lowered to two.

Mayor Gover opened the floor for private clubs and D-1 going from nine to fifteen. Commissioner Rankin reiterated his previous opinion on any increases. Commissioner Hall stated he would be in favor of increasing them by one with a total of 10. Commissioner Ervin stated to change the number to unlimited, but would have no problem if the Council wanted to leave the number the same. Commissioner Becker stated to leave the number the same or make the number unlimited.

Mayor Gover opened the floor on D-2 licenses, noting there was currently one available, and opened discussion on keeping the requirement of a convenience store or grocery store. Administrator McLaughlin noted Rural King would be an example of removing the stipulation for convenience store or grocery store. Commissioner Rankin stated he was not in favor of change. Commissioner Hall stated he would be in favor of an increase of two to three and to remove the stipulation. Commissioner Ervin stated he would be in favor of unlimited or increase by two to five, and would remove the stipulation. Commissioner Becker echoed Commissioner Ervin's opinion.

Mayor Gover opened the floor on the Depot license for a portion of the Depot. Administrator McLaughlin suggested waiting to consider this until the strategic plan to review. Mayor Gover stated perhaps in the lobby area or museum area.

Mayor Gover opened the floor for discussion on Special Events—citing certain special events but to hold discussion on Outdoor Café and additional fees; and Wine tasting once per quarter. Commissioner Becker stated the language was good as suggested. Administrator McLaughlin requested discussion on whether to have D-2s for wine or add imported beers. Commissioner Becker stated the beer would be the same as wine. Commissioner Ervin had no problem with the language. Commissioner Hall was good with the language. Commissioner Rankin was opposed to the language.

Mayor Gover opened the floor for discussion on the Adult Entertainment section. All Commissioners were in favor of the language as proposed.

Mayor Gover opened the floor for discussion on the additional changes. Administrator McLaughlin noted the Drive-up window would be grandfathered for existing licenses. Mayor Gover stated the new establishments would have to adhere to the new language. There was no opposition to the language.

Mayor Gover opened the floor for public comments on what was discussed. Mr. Steve Ratliff voiced his opinion on failure of businesses and the aesthetic effects of vacant businesses and other concerns including Walmart's under-pricing of alcohol as unfair to other businesses. Mrs. Barbara Beals voiced concerns over the special events permits and made comparisons to Bagelfest. Mr. Don Dow inquired whether anyone monitored Class R licenses. Attorney & Treasurer Owen elaborated on past investigations of restaurants. Mrs. Bobbi Pendergast questioned whether the licenses should be relative to the population as in 1982. Mayor Gover stated the current population as of the 2010 Census was at 18,555, which was an increase from 1982.

Mr. Steve Ratliff asked for the opinions of the Fire and Police Chief on additional licenses. Chief Branson and Chief Nichols agreed that the number of incidences increased during special events but did not anticipate more calls due to increases in licenses.

Mayor Gover provided his thoughts as the same as the Council – increase a few, but not unlimited and agreed to increase the fees after video gambling was reinstated. Council further discussed the number of licenses.

Mayor Gover read the revised language on Location and Zoning. Administrator McLaughlin, Coordinator Gill and Council discussed the distances. Mrs. Pendergast suggested the same as the gaming ordinance of 400 feet. Mrs. Verita Kimery questioned the approval of the site. Attorney & Treasurer Owen noted the rule in the Illinois Liquor Code. Administrator McLaughlin stated the comprehensive plan needed established location and zoning for future planning, and could remove from the liquor code and address in the comprehensive plan. Commissioner Hall was in favor of removing from the liquor code and place in the comprehensive plan. Commissioner Rankin was in favor of 400 feet and should be in the zoning ordinance.

Mayor Gover opened the floor for discussion of revised hours. Mr. Russ Jabbs requested a change so he could open on Sundays to serve breakfast. The Commissioners agreed to remove the language.

Mayor Gover opened discussion on the downtown restricted numbers. Mr. Don Dow and Council discussed the restricted zoning and allowance one block away. Council was not in support of the restriction.

Mayor Gover stated the suggestions and ideas would be considered and a proposed ordinance would be on the November 15th Council meeting. Mayor Gover opened the floor for last comments. Mr. John Woodyard appreciated the Council's consideration and questioned the \$5,000 initial fee as un-refundable. Mayor Gover stated if an application was

declined, the initial fee would be refunded. Commissioner Ervin noted the language would need to be in the ordinance to be clarified.

NEW BUSINESS:

Commissioner Becker seconded by Commissioner Hall moved to adopt Ordinance 2011-5331, approving amendments to Chapter 75: Parking Regulations of the municipal code Section IV Two-Hour Parking establishing for two spaces on the north side of Broadway near 16th Street and Section V Thirty-Minute Parking establishing two parking spaces on the east side of 17th Street, north of Charleston.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5331**

AN ORDINANCE APPROVING PARKING REGULATIONS

WHEREAS, the City of Mattoon provides and regulates on-street parking on Broadway Avenue; and

WHEREAS, the City of Mattoon provides and regulates on-street parking on 17th Street; and

WHEREAS, the City of Mattoon wishes to establish time limits for certain parking spaces on said streets; and

WHEREAS, the City of Mattoon wishes to establish penalties for the violation of said time limits.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Schedule IV of Chapter 75 of the City of Mattoon Code of Ordinances is hereby established with the addition of the following parking restrictions:

Schedule IV - Two (2) Hour Parking

(A) Parking in excess of two (2) hours shall be prohibited at the following locations:

<u>Two-Hour Parking</u>					
<i>STREET</i>	<i>DESCRIPTION</i>	<i>CROSS STREET</i>	<i>SIDE</i>	<i>ORD. NO.</i>	<i>DATE</i>
Broadway Avenue	First two non-handicapped spaces	East of 17th Street	North	2011-5323	08/16/11
Broadway Avenue	First two non-handicapped spaces	East of 16th Street	North	2011-5331	11/01/11

(B) The provisions of this schedule prohibiting parking shall not apply to emergency vehicles, while the driver thereof is engaged in the performance of emergency duties, nor shall provisions apply to persons actually engaged in repairing or otherwise improving the street under authority of the city or under the authority of the state.

(C) The penalty under §35.01(B)(11) shall apply upon conviction.

Section 3. Schedule V of Chapter 75 of the City of Mattoon Code of Ordinances is hereby established with the addition of the following parking restrictions:

(A) Parking in excess of thirty (30) minutes shall be prohibited at the following locations:

<u>Thirty-Minute Parking</u>					
<i>STREET</i>	<i>DESCRIPTION</i>	<i>CROSS STREET</i>	<i>SIDE</i>	<i>ORD. NO.</i>	<i>DATE</i>
16 th Street	First three parking spaces	North of Charleston	West	2011-5323	08/16/11
17 th Street	First two parking spaces	North of Charleston	East	2011-5331	11/01/11

(B) The provisions of this schedule prohibiting parking shall not apply to emergency vehicles, while the driver thereof is engaged in the performance of emergency duties, nor shall provisions apply to persons actually engaged in repairing or otherwise improving the street under authority of the city or under the authority of the state.

(C) The penalty of §35.01(B)(11) shall apply upon conviction.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its publication in pamphlet form and approval as provided by law.

Upon motion by Commissioner Becker, seconded by Commissioner Hall, adopted this 1st day of November, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of November, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on November 1, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1270, approving the price quote from Siemens Industry, Inc. (Envirex Products) in the amount of \$22,126.00 to purchase parts for the rehabilitation of one primary clarifier at the Waste Water Treatment Plant.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR –noted Comprehensive Plan consultant meeting for November 17, revamped website set for this week, and repairs to City Hall. The floor was opened for questions with no responders.

ATTORNEY & TREASURER – noted work for the strategic planning workshop, City Annual Report and TIF Annual Report; FY2011 Audit Report online and would file all reports for the audit. With no further questions, one additional comment regarding the 2011 Waterworks Refunding Bonds would save \$65,000 over the next four years was reported.

CITY CLERK – noted business as usual, adding the finalization of Bond Refunding documents and Fire Pension/Police Pension Annual Reports, and work for the strategic planning session. Clerk O'Brien announced the need to have special council meeting for binding of the Property/Casualty Insurance before December 1st, due to results after the last

regular Council meeting of the month; and receipt of five B-1 liquor license applications. There were no questions from the floor.

PUBLIC WORKS – noted the completion of the alleyway between the Depot and City’s Parking Lot B. Commissioner Ervin complimented the alley’s appearance.

COMMUNITY DEVELOPMENT –noted the remodeling work in progress at City Hall, work for the strategic planning session with anticipation of increasing permits. Commissioner Ervin inquired through Community Pride the number of structures demolished. Coordinator Gill noted 20 total including those voluntarily removed by owners.

Mayor Gover inquired as to the strategic planning session on Friday. Administrator McLaughlin announced the meeting with the Council and staff would begin at 8:30 a.m. in the Depot.

FIRE –noted work for the strategic planning workshop, October was Fire Prevention Month, listed several public relations events, and attendance of staff at the two-day drill for MABIS and safety meeting. The floor was opened for questions with no responders.

POLICE –announced that Coles County was placed on the high risk for accidents list by the Illinois State Police, due to several recent County accidents; and noted the transfer of the K-9 to another officer due to the unavailability of Officer Hurst.

COMMENTS BY THE COUNCIL

Commissioners Becker, Ervin, Hall, and Rankin had no further comments.

Commissioner Hall seconded by Commissioner Rankin moved to adjourned at 7:57 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

/s/ Susan J. O’Brien
City Clerk